

Add Section 713
Title 14, California Code of Regulations (CCR)
Re: Condemned Big-Game Carcasses

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The proposal creates a new Section of Title 14, California Code of Regulations and establishes a process whereby hunters who inadvertently harvest a big-game animal that is later condemned for human consumption can receive an appropriate replacement tag (if desired) and properly dispose of the carcass. Under this proposal, a hunter in this situation can choose to be issued a duplicate tag for the remainder of the season; upon payment of the appropriate fee be issued a tag for the subsequent season; have an additional point added to their original point total for that species to compete in the next year's big-game drawing; or request a refund and have their point total restored to the original amount.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Fish and Game Code Sections 200, 202, 203, 220, 4304, 4336, 4657, and 4753.

Reference: Fish and Game Code Sections 200, 202, 203, 203.1, and 207.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

No reports have been prepared to address this issue.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department conducted a public scoping session in Sacramento on November 18, 2009. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Carcass Condemnation

Require determination regarding fitness for human consumption to be made by licensed veterinarians, certified meat inspectors, or meat processors. This proposal was considered and rejected because employees designated by the Director to condemn carcasses can utilize recommendations by licensed veterinarians, certified meat inspectors and/or meat processors when making their decision.

2. Carcass Disposal

Require all portions, including but not limited to head, antlers, hide, and meat, of the carcass to be confiscated and disposed of by the Department. This alternative was considered and rejected because of potential delays in response time due to current staffing levels as well as the Department's lack of suitable disposal equipment/sites.

(b) No Change Alternative:

The no change alternative was considered and found inadequate to meet the needs of hunters who inadvertently harvest an animal that is later determined to be unfit for human consumption.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California.

None.

(c) Cost Impacts on Private Persons.

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies.

None.

(f) Programs Mandated on Local Agencies or School Districts.

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.

None.

(h) Effect on Housing Costs.

None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations require big-game hunters to make all reasonable efforts to retrieve big-game animals and tag them immediately with the appropriate tag. Current regulations do not allow the Department to issue a duplicate tag if a harvested animal was sick, injured, or chemically immobilized rendering the carcass inedible or unfit for human consumption; once the animal is killed current regulations require the hunter to lawfully tag the animal and count as their bag limit for the hunt. This proposal establishes a regulatory procedure whereby a hunter in this situation can be issued a duplicate tag for the remainder of the season; be issued a tag for the subsequent season; have an additional point added to their original point total for that species to compete in the following big-game drawing; or request a refund and have their point total restored to the original amount.